

## Message Text

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PAGE 01 CARACA 06648 181453Z  
ACTION SS-25

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TO SECSTATE WASHDC 3058  
INFO AMEMBASSY BRASILIA  
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C O N F I D E N T I A L CARACAS 6648

STADIS////////////////////////////////////

EXDIS

FOR UNDERSECRETARY COOPER FROM AMBASSADOR RICHARDSON

E.O. 11652: GDS  
TAGS: PLOS  
SUBJECT: LOS - MEMORANDUM ON SEABED MINING ISSUES FROM  
UNDERSECRETARY COOPER

1. I HAVE REVIEWED CAREFULLY YOUR MEMORANDUM OF JULY 11  
ON VARIOUS ASPECTS OF THE SEABED REGIME NOW UNDER DISCUSSION  
AT THE LAW OF THE SEA CONFERENCE. THERE FOLLOW SOME  
PRELIMINARY OBSERVATIONS ON THAT MEMORANDUM.

2. ALTHOUGH YOUR INTERPRETATION OF THE CURRENT NEGOTIATING  
TEXT SEEMS TO ME TO BE OVERDRAWN IN SEVERAL INSTANCES -  
FOR EXAMPLE, IN PROJECTING THE EVENTUAL SUPPLANTING OF THE  
PARALLEL SYSTEM - I AGREE IN GENERAL WITH YOUR DELINEATING  
OF THE TASK BEFORE US. OUR NEGOTIATING OBJECTIVES MUST  
CLEARLY INCLUDE AMONG OTHER THINGS: THE ELIMINATION OF  
THE OBJECTIONABLE FEATURES OF THE PRESENT TECHNOLOGY TRANSFER  
CLAUSE; PROVISION FOR EFFECTIVE BLOCKING POWER IN THE COUNCIL  
AND RESISTANCE BOTH TO RESTRICTIVE QUOTA PROVISIONS AND TO  
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A PRIVILEGED STATUS FOR THE ENTERPRISE.

3. AS TO OUR BASIC POLICY, YOUR SECOND OPTION IS ESSENTIALLY  
THE ONE WE HAVE BEEN FOLLOWING. I HAVE CONSISTENTLY TOLD  
THE CONGRESS, THE AMERICAN MINING INDUSTRY, AND MY COLLEAGUES  
AT THE CONFERENCE THAT THE UNITED STATES WOULD NEVER ACCEPT  
AN UNSATISFACTORY SEABED MINING REGIME FOR THE SAKE OF THE

OTHER BENEFITS OF A COMPREHENSIVE TREATY. THE EXECUTIVE BRANCH, ON MY RECOMMENDATION, IS NOW ACTIVELY SUPPORTING THE ENACTMENT OF RECIPROCAL SEABED MINING LEGISLATION WITHOUT REFERENCE TO THE PROGRESS OF THE LAW OF THE SEA CONFERENCE; AND THE NSC HAS ADOPTED MY SUGGESTION FOR A CONTINGENCY PLANNING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS OF MEANS OF PROTECTING OUR NATIONAL SECURITY AND NAVIGATIONAL INTERESTS. SIMILARLY, WE SHOULD CONTINUE FOR AS LONG AS NECESSARY TO INSIST ON PROVISIONS IN AN EVENTUAL TREATY WHICH WILL ASSURE ACCESS TO SEABED MINING BY US COMPANIES ON TERMS CONSISTENT WITH OUR BASIC ECONOMIC OBJECTIVES.

4. I BELIEVE, HOWEVER, THAT IT IS ALSO IMPORTANT TO KEEP IN VIEW THE DEGREE TO WHICH THE GROUP OF 77 HAS ALREADY MOVED IN OUR DIRECTION IN ACCEPTING THE CONCEPT OF THE PARALLEL SYSTEM, AND TO ENCOURAGE THE MOMENTUM WHICH HAS CLEARLY DEVELOPED AT THE CONFERENCE IN THIS DIRECTION. SPECIFICALLY, WE SHOULD CONVEY TO THE CONFERENCE THAT THE UNITED STATES PROPOSES TO NEGOTIATE IN GOOD FAITH BUT WITHOUT HASTE AND WITHOUT SACRIFICING ANY OF OUR FUNDAMENTAL INTERESTS.

5. WITH REGARD TO OUR TACTICS AT THE RESUMED SESSION OF THE CONFERENCE IN NEW YORK NEXT MONTH, I MUST TAKE ISSUE WITH YOUR APPROACH. I DO NOT THINK IT EITHER FEASIBLE OR DESIRABLE TO PRESS FOR RECONSIDERATION OF THE GENEVA CONFIDENTIAL

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TEXTS ON SEABEDS AT THE RESUMED SESSION. THE CONFERENCE HAS ALREADY DECIDED TO GO FORWARD FROM THE POINT WHERE IT LEFT OFF AND, IN THE CASE OF NJENGA'S NEGOTIATING GROUP, THIS IS WITH ANNEX II. I DO, HOWEVER, BELIEVE IT WILL BE IMPERATIVE TO MAKE CLEAR AT THE ONSET FOR THE RECORD THAT THOSE TEXTS ARE NEGOTIATING TEXTS AND NOTHING MORE, AND MOREOVER, THAT WE INTEND TO RETURN TO THEM AT A LATER DATE IN ORDER TO SEEK THE CHANGES NECESSARY TO AN EQUITABLE, ECONOMICALLY RATIONAL, AND DURABLE SYSTEM FOR DEEP SEABED MINING. IF WE DO SO CLEARLY AND FIRMLY, THERE SHOULD BE NO RISK OF MISCONCEPTIONS OF OUR POSITION ON THE PART OF THE GROUP OF 77 OR OTHERS. FURTHER, IF WE CAN MANAGE TO MAKE MEASURABLE PROGRESS ON OTHER SEABEDS ISSUES WHICH ARE OUTSTANDING, ESPECIALLY THOSE RELATING TO THE ANNEX II PROVISIONS GOVERNING THE BASIC SYSTEM OF ACCESS, WE WILL BE IN A MUCH BETTER POSITION TO ASSESS WHAT ADDITIONAL WORK IS NEEDED ON THE GENEVA TEXTS AND HOW TO ACHIEVE THE NECESSARY IMPROVEMENTS.

6. I SHALL BE BACK IN WASHINGTON THE EVENING OF AUGUST 15 AND WOULD OF COURSE BE GLAD TO PARTICIPATE IN ANY DISCUSSION OF THESE MATTERS LATER THAT WEEK. MEANWHILE, GEORGE ALDRICH,

MY DEPUTY AND CHIEF NEGOTIATOR ON SEABEDS MINING MATTERS, WILL  
BE IN WASHINGTON UNTIL THE END OF THE MONTH AND WILL BE  
PLEASED TO DISCUSS WITH YOU IN MORE DETAIL THE VIEWS I HAVE  
SET OUT ABOVE.  
CROWLEY

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